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# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

October 4, 2010

To: Supervisor Gloria Molina, Chair  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

## REPORT ON THE 2011 SUPERVISORIAL REDISTRICTING PROCESS

On August 10, 2010, your Board, on motion of Chair Molina and Supervisor Yaroslavsky, instructed the Executive Officer of the Board, County Counsel, the Registrar-Recorder/County Clerk, the Internal Services Department's Urban Research Division, and the Chief Executive Officer to report back to the Board within 60 days with the following information on "Redistricting:"

1. Provide background information about the Supervisorial Redistricting process conducted in 1991 and 2001;
2. Recommend proposed policies, procedures and timelines for the completion of the 2011 redistricting in accordance with the law, including recommendations for necessary information technology systems, legal and technical consultants, and a public participation plan; and
3. Provide an overview of the current redistricting law and the County's status with respect to the 1991 U.S. Supreme Court case "Garza" and other relevant cases.

The following responds to your Board's instruction.

### Redistricting Law and the Garza Stipulation

The Equal Protection Clause of the Fourteenth Amendment to United States Constitution requires that electoral districts afford their residents equality of representation – the "one person—one vote" principle. This is achieved by providing that each district contains the same number of people. California Elections Code section 21500 also requires that when adjusting supervisorial district boundaries, "districts shall be as nearly equal in population as may be."

*"To Enrich Lives Through Effective And Caring Service"*

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There is no legally recognized "safe harbor" for population deviations of less than ten percent, under which the boundaries may be manipulated for any reason whatsoever. However, slight deviation from total population equality is permissible so long as it is necessary to achieve a rational state policy. Consistent with traditional districting principles, factors that may be considered include topography, geography, cohesiveness, contiguity, integrity, compactness of territory, and community of interests of the districts. Other factors that may be considered are boundaries of political subdivisions, preserving the cores of prior districts, avoiding contests between incumbent representatives, and minimizing population shifts that result in vote deferral and advancement.

In previous Los Angeles County redistricting, it has been possible to achieve a very low population deviation level after consideration of factors consistent with traditional districting principles, as discussed above. This was the case in the redistricting plan adopted by your Board in 2001, which had a total population deviation of 1.398 percent (see further discussion below under "Current Plan").

A redistricting plan may not operate to deny or abridge citizens' rights to vote "on account of race or color" or membership in a "language minority group" in violation of Section 2 of the Voting Rights Act. A challenge to a redistricting plan under Section 2 must satisfy three preconditions before a court undertakes a detailed analysis of the plan:

1. The minority group is sufficiently large and geographically compact to constitute a majority in a single member district;
2. The group is politically cohesive; and
3. In the absence of special circumstances, bloc voting by the majority usually defeats the minority's preferred candidate.

If the three preconditions are satisfied, a court will conduct a detailed analysis under the totality of the circumstances standard, which looks to objective factors, such as:

- Whether there is any history of official discrimination;
- Whether racially polarized voting exists;
- Whether voting practices exist that enhance the opportunity for discrimination;
- Whether there is a denial of access to candidate slating process;
- Whether members of a minority group bear lingering effects of discrimination in education, employment, and health, which hinder effective participation;
- Whether political campaigns have been characterized by racial appeals;
- The extent to which members of the protected class have been elected;
- Whether there is a significant lack of responsiveness by elected officials to the particularized needs of the group; and
- Whether the policy underlying the use of the voting qualification, standard, practice or procedure is tenuous.

Section 2 does not permit manipulation of district lines to dilute the voting strength of politically cohesive minority group members by fragmenting minority voters among several districts where a bloc-voting majority can routinely outvote them, or packing them into one or a small number of

districts to minimize their influence in the adjacent districts. There is no requirement, however, to create the maximum possible number of majority-minority districts, so long as the plan does not, when viewed in the totality of circumstances, deny minority voters equal measure of political and electoral opportunity.

In addition, although the drawing of boundaries may be race neutral on its face, the plan may violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution if it, nonetheless, can be understood only as an effort to "separate voters into different districts on the basis of race," and where the "separation lacks sufficient justification."

Please see Attachment I for a discussion of the Garza Stipulation.

### **Redistricting Process in 1991 and 2001**

Attachment I provides background on the Supervisorial redistricting process conducted in 1991 and 2001.

### **Recommended 2010 Redistricting Process**

In order to ensure maximum public participation and promote an open process, it is recommended that your Board approve a redistricting process similar to the process conducted in 2001. The recommended redistricting process includes the establishment of a Boundary Review Committee and the adoption of a Public Access Plan. The following are main elements of the recommended 2010 Redistricting Process:

Boundary Review Committee (BRC) – Similar to the redistricting process conducted in 2001, the BRC is recommended to be comprised of ten voting members and ten alternates, with two members and two alternates nominated by each Supervisor and appointed by your Board. The main function of the BRC will be to study the existing supervisorial district boundary ordinance and determine, based on Census 2010 population data and applicable legal requirements, if and how supervisorial districts should be adjusted to account for population and demographic changes.

Consistent with Election Code Section 21500, et seq., Attachment II provides recommended BRC Mission, Policies, and Procedures.

Public Access Plan (PAP) – The purpose of the PAP is to encourage and facilitate the widest feasible public participation in the redistricting process and to disseminate pertinent redistricting information. Specific details of the PAP are still being developed, however, key elements of the Plan may include:

- BRC meetings and outreach
  - Regular meetings (e.g., discussion/review of submitted plans)
  - Meetings in the five Supervisorial Districts
  - Outreach to encourage participation: general and targeted
- Press Releases/media contacts

- Glossary of terms: County staff is currently developing a list of common terms and definitions used in redistricting, which will then be made available both internally and to the public.
- Acquisition of redistricting software
  - County staff is currently reviewing the relative merits of currently available redistricting software, both desktop and web-based, including Maptitude and ESRI. We will also be determining which software other jurisdictions, as well as groups and organizations likely to participate in the redistricting process, intend to use.
  - Key factors to consider in selecting redistricting software include ease of use and licensing costs (particularly if we make it available to the public online).
- Dissemination of redistricting information
- Developing a County redistricting website
- Facilitating the public's ability to develop plans, including general instructions, provision of a worksite, and/or support for online development of plans
- Board of Supervisors' hearings

Staffing – The following County departments have been identified to provide the following redistricting support:

- County Counsel: Legal guidance, including Voting Rights Act compliance
- Executive Officer, Board of Supervisors: BRC support
- Internal Services: Census/redistricting data management, software and website maintenance; development of maps and analyses of current and submitted plans
- Registrar-Recorder/County Clerk: Precinct information; election/voting data; party registration
- Chief Information Office: Technical coordination and support for the BRC, ISD and consultants
- Chief Executive Office: General coordination and support; BRC support; management of consultants

Upon your Board's approval of the proposed redistricting process, we would establish a working group consisting of representatives of these departments, as well as consultants. Board offices would also be invited to participate in these meetings. While meetings at the outset might occur on a semi-monthly basis, the frequency would increase as the redistricting process gets more substantially underway. Subcommittees addressing specific components (e.g., data issues) might also be established.

Consultants – In accordance with previously delegated contracting authority, the Chief Executive Officer recommends engaging consultants for the following redistricting services:

- Development of an accurate, easily accessible database and provision of analysis of key demographic variables, such as Race, Ethnicity, Age, and Gender, for incorporated and unincorporated areas in the County;
- Development of an accurate, easily accessible database and provision of analysis of recent election results and voter registration data for incorporated and unincorporated areas in the County; and

- Provision of redistricting assistance to each member of the Board of Supervisors.

Funding – Redistricting related costs for BRC, technical, and consultant support is included in the 2010-11 budgets as follows:

- Final Budget: \$623,000 was included for costs related to data support from the Internal Services Department, and specialized central redistricting consultants mentioned above. Supplemental Budget: \$250,000 was included for consultants for each Board office, and \$60,000 was included for the Executive Officer of the Board to provide support for a BRC.

Calendar – Attachment III provides a timeline of actions required for the adoption of a Supervisorial District Boundary Ordinance by the statutory deadline for implementing new boundaries by October 31, 2011. It also includes a discussion of deadlines for State, municipal and special district redistricting, and related processes.

### **Current Boundary Plan**

Attachment IV reflects the current, or “benchmark” supervisorial boundary plan. The population deviation percentage in the plan upon adoption in 2001 was as follows:

- First District: 0.08%
- Second District - 0.10%
- Third District 0.47%
- Fourth District - 0.92%
- Fifth District 0.47%
  
- Total Deviation: 1.39%

Based upon population projections, the estimated 2009 population deviation percentage in the benchmark plan is as follows:

- First District: 1.25%
- Second District -0.39%
- Third District 1.03%
- Fourth District -3.35%
- Fifth District 1.45%
  
- Total Deviation: 4.80%

Please note that these are only estimates and that the official Census data to be released in March 2011 will be used for actual redistricting.

### **Next Steps**

In order to proceed with the decennial redistricting of the Supervisorial district boundaries as required per Elections Code Section 21500 et seq., this Office will follow-up with a Board letter recommending the following actions:

- Approval of recommended policies, procedures, and timeline for implementation of a ten-member advisory Boundary Review Committee;
- Approval of a Public Access Plan subject to revisions by the Boundary Review Committee, limited only to the intent and spirit of the Board's approved Plan; and
- Approval of any other related actions which might be identified.

The Board Letter is targeted for the October 26, 2010 Board Agenda.

If you have any questions, please contact Martin Zimmerman at 213.974.1326, or via email at [mzimmerman@ceo.lacounty.gov](mailto:mzimmerman@ceo.lacounty.gov), or Frank Cheng at 213.893.7938, or via email at [fcheng@ceo.lacounty.gov](mailto:fcheng@ceo.lacounty.gov).

WTF:ES  
MKZ:FC:JR:ib

Attachments (4)

c:     Executive Officer, Board of Supervisors  
        County Counsel  
        Registrar-Recorder/County Clerk  
        Internal Services Department  
        Chief Information Office

## REDISTRICTING PROCESS IN 2001 AND 1991

### Introduction/Summary

Pursuant to California Elections Code section 21501, the Board of Supervisors must adjust the boundaries of the supervisorial districts before the first day of November (i.e., by October 31) of the year following the taking of the federal decennial census. However, in 1991, as a result of the federal court litigation in *Garza v. County of Los Angeles*, the County was required to invalidate the 1981 supervisorial redistricting plan and adopt a court-ordered plan in its place.

The County also entered into what is commonly referred to as "the *Garza* Stipulation," in which it agreed to submit voting changes in the method of electing the Board of Supervisors for preclearance by the U.S. Attorney General using the same standards as applied under Section 5 of the Voting Rights Act, or obtain a declaratory judgment declaring such changes enforceable from the United States District Court for the District of Columbia.

The *Garza* Stipulation covered voting changes such as supervisorial redistricting, and required the County to appoint a Supervisorial Boundary Review Committee, although under California Elections Code section 21505, such appointment is normally within the Board's discretion. Accordingly, in 1991, the Board established a Supervisorial Boundary Review Committee, which was comprised of ten voting members and ten alternate members. The Board also adopted a Public Access Plan that provided members of the public with a meaningful opportunity to participate in the redistricting process.

In 2001, as required by the *Garza* Stipulation, the Board again appointed a Supervisorial Boundary Review Committee consisting of ten members and ten alternate members, who were residents of the County. Consistent with the 1991 redistricting, the Board adopted an updated Public Access Plan to encourage and facilitate public participation and disseminate pertinent redistricting information. After holding a series of public meetings, the Supervisorial Boundary Review Committee approved a recommended plan and submitted it to the Board for approval. On July 10, 2001, the Board adopted new boundaries to conform to 2000 decennial census and thereafter, on September 13, 2001, the United States Department of Justice pre-cleared the County's approved redistricting plan.

The *Garza* stipulation expired by its own terms on December 31, 2002. Therefore, the County is no longer required to obtain preclearance or declaratory judgment in order to change the supervisorial district boundaries.

The following provides a calendar of key events in the 1991 and 2001 supervisorial redistricting processes.

### 2001

- **September 12, 2000** - Pursuant to *Garza* stipulation, Board of Supervisors (Board) approved the Boundary Review Committee (BRC) and Public Access Plan (PAP)
  - BRC Structure and Staffing
    - BRC consisted of ten voting members and ten alternates, each Supervisor selected two members and two alternates.



- BRC Structure included Chair and Vice-Chair, with Ralph M. Brown Act and Robert's Rules of Order in effect.
- BRC Staff Included:
  - County Departments: CAO (Urban Research), County Counsel, Executive Officer of the Board, Registrar Recorder/County Clerk, and the Departments of Internal Services, Public Works and Regional Planning
  - Consultants
- PAP Resulted in the following:
  - BRC Meetings
    - Nine BRC meetings were held from January 25, 2001 to June 13, 2001.
  - Community Meetings.
    - Six community meetings were held; a minimum of one in each Supervisorial district.
  - Solicitation of Letters from the Public regarding Communities of Interest.
    - By June 13, 2001, 68 letters from the public regarding redistricting had been received.
  - Development of Supervisorial Redistricting Website, which included:
    - Information on redistricting process
    - BRC meeting dates, as well as agendas and minutes
    - Information on current district boundaries, location of County facilities, elected local officials, etc
    - Instructions for preparing and submitting redistricting plans
    - Access to enable downloading of redistricting data
  - Redistricting Database
    - Census information by Census tract and split tract was made available to assist the BRC and public in preparing redistricting plans.
    - Database was made available in a redistricting package on the internet or in hard copy for a nominal cost-recovery fee.
  - Redistricting worksites with County computers
    - A worksite was made available to the public for preparing and analyzing redistricting plans.
    - Two work sites were available: Department of Public Works in Alhambra and CAO's Urban Research Division in Civic Center.
    - Technical consultants were available to provide the public with assistance in the use of redistricting software.
  - Media Outreach
    - CAO's Public Affairs Office issued press releases and updated County Website.
- **June 13, 2001** – BRC Recommended Plan Approved by Committee at final public hearing.
- **July 10, 2001** - Board adopted new boundaries to conform to 2000 decennial census.
- **September 13, 2001** - Department of Justice pre-cleared the County's approved redistricting plan.

**1991**

- **June 4, 1990** - U.S. district court ruling in *Garza v. County of Los Angeles*. Judge Kenyon found that the County engaged in intentional discrimination in redrawing district lines, and that the 1981 redistricting plan diluted the strength of the Hispanic vote in violation of Section 2 and the equal protection clause. County was ordered to conduct another redistricting.
- **June 5, 1990** - Primary Election: Sarah Flores and Gregory O'Brien receive the most votes for First District seat. Runoff election was set for November 1990.
- **August 3, 1990** - Judge Kenyon accepted a plan creating a district in which the majority of voting age citizen population was Hispanic. The judge canceled the November run-off and ordered a new election. The Court of Appeals later stayed the decision and postponed the November election.
- **November 2, 1990** - Ninth Circuit opinion in *Garza v. County of Los Angeles* upheld imposition of the new supervisorial district boundaries as ordered by the district court.
- **November 8, 1990** - Judge Kenyon ordered a January 22, 1991 election held using the court-ordered districts.
- **December 18, 1990** - Board ordered creation of transition task force to coordinate necessary changes for smooth transition to the new supervisorial districts.
- **January 8, 1991** - Board ordered preparation of a new boundary ordinance implementing the *Garza* plan, creation of a 10-member Boundary Review Committee. (Same date – County's petition for U.S. Supreme Court review was denied.)
- **February 19, 1991** - Gloria Molina is elected First District Supervisor.
- **February 26, 1991** - Board repealed 1981 boundary ordinance and enacted a new ordinance codifying the *Garza* plan (effective March 29, 1991).
- **March 26, 1991** - Board established Supervisorial District Boundary Review Committee (DBRC) to adjust boundaries based on 1990 Census
  - Comprised of 10 residents of the County reflecting its cultural and ethnic diversity
  - Each Supervisor nominated two (2) committee members and two (2) alternates
- **April 25, 1991** - Stipulation entered in *Garza v. County of Los Angeles*, under which the County agreed to be subject to Section 5 preclearance requirements until December 31, 2002.
- **June 1991** (estimated) - DBRC Public Hearings

- **September 17, 1991** - DBRC presented the recommended five-district plan to the Board which voted to place the ordinance on the agenda for adoption.
- **September 24, 1991** - Board repealed the boundary ordinance adopted on February 26, 1991 and adopted a new boundary ordinance as recommended by the DBRC.
- **December 2, 1991** - Department of Justice gave preclearance to the September 24, 1991 redistricting plan.

Notes:

- April 1991 and September 1991: Board directed DBRC to recommend seven-member and nine-member plans for possible placement on the ballot.
- July 1992: Board voted to remove seven-member plan from November 1992 ballot.
- September 1992: Nine-member plan was pre-cleared by the DOJ.
- November 1992: Charter amendment to establish a nine-member board defeated by the electorate.

## **SUPERVISORIAL DISTRICT BOUNDARY REVIEW COMMITTEE MISSION, POLICIES, AND PROCEDURES**

### **Mission**

- *To study the existing supervisorial district boundary ordinance and determine, based on Census 2010 population data and applicable legal requirements, if and how supervisorial districts should be adjusted to account for population and demographic changes;*
- *To convene public hearings to receive, review, and analyze proposed redistricting plans submitted by committee members, the public, and other organizations; and*
- *To recommend for adoption by the Board of Supervisors a decennial redistricting plan which provides fair and effective representation for all the people of the County, enhances the opportunity for all voters to elect candidates of their choice, and which otherwise meets all the requirements of law. A final Supervisorial Redistricting Plan shall be approved to the Board of Supervisors by October 31, 2011 to comply with the Election Code.*

### **Membership**

There shall be ten voting members and ten alternate members of the Supervisorial District Boundary Review Committee. Each member of the Board of Supervisors shall nominate two voting members and two alternate members to the Boundary Review Committee. Members and alternates must be residents of the County of Los Angeles. Alternates shall assume the rights and authorities in the absence of voting members. The entire Board of Supervisors shall appoint the membership of the Boundary Review Committee.

### **Staffing**

The Chief Executive Office and the Executive Office of the Board of Supervisors shall provide staff support for the Boundary Review Committee. The Internal Services Department, Chief Information Office, and Registrar-Recorder/County Clerk shall provide technical support to the Boundary Review Committee to facilitate public participation in the work of the Committee. The County Counsel shall serve as legal advisor to the Boundary Review Committee.

The Chief Executive Officer will engage specialized consultants to provide additional technical analysis and support to ensure that the Boundary Review Committee can accomplish its mission in the required time frame.

Staff shall implement the Public Access Plan approved by the Board to educate the public concerning the work of the Committee and to encourage public participation in its deliberations with particular attention to include outreach to groups affected by proposed changes to the existing boundaries of the Supervisorial Districts.

### **Structure of the Boundary Review Committee**

The Boundary Review Committee shall elect a chairperson from among its members and such other officers as are consistent with its adopted rules of order.

### **Meetings**

Meetings of the Boundary Review committee are subject to the Brown Act. The Boundary Review Committee shall conduct its first meeting no later than 30 days following the appointment of the Committee. At its first meeting, the Boundary Review Committee shall adopt rules of order for its operation, review, and adopt the proposed meeting schedule to implement its mission and shall consider a plan for action concerning the subject under study.

Staff shall assist the Boundary Review Committee to facilitate public participation and public input into the work of the Committee.

### **Voting**

All action by the Boundary Review Committee requires majority vote of its total membership.

## PRELIMINARY CALENDAR FOR REDISTRICTING PLAN

### **Supervisory Redistricting – Applicable Codes**

*California Elections Code (CEDC) 21501: Time of Boundary Adjustments: “The boundaries of the supervisorial districts shall be adjusted by the board before the first day of November of the year following the year in which each decennial federal census is taken. If the board fails to adjust the boundaries before the first day of November following the year in which the federal census is taken, a supervisorial redistricting commission shall do so before the 31<sup>st</sup> day of December of the same year.”*

*CEC 21506: Effect on Existing Supervisorial Term of Office: “A change in the boundaries of a supervisorial district shall not be made within 45 days before the first day for circulating nomination papers for an election of supervisors in the county or between the direct primary election and the general election.”*

#### **Comments:**

- The nomination period for supervisorial districts begins at Election minus 133 days (E-113).
- Forty-five days before that date is E-158, which is nearly the same as E-160 (the beginning of the signatures-in-lieu period).
- Note that candidates may apply signatures-in-lieu signatures toward their nomination signatures, so it is important to observe the earlier E-160 date in order for the County to verify signatures against the new boundary lines.
- Since the Registrar-Recorder/County Clerk (RR/CC) needs approximately 30 days to implement the new boundary lines in its systems (the same time period needed for Board hearings following Board adoption of lines), it is advisable to have the final adopted boundaries no later than E-190, or November 26<sup>th</sup>.
- However, since the State Code makes October 31<sup>st</sup> the deadline for regular adoption of new boundaries by the Board, the earlier deadline poses no problem.

*Note: The calendar below reflects an accelerated schedule which would be necessary if the County wishes to better conform to the earlier deadlines for State Redistricting Commission. Proposition 20, on the November 2010 ballot would further accelerate these deadlines.*

| <b>Timeframe</b>      | <b>Action</b>   |
|-----------------------|---|
| <b>October 2010</b>   | Submit proposed redistricting process to Board of Supervisors, including establishment of a Boundary Review Committee (BRC).  |
| <b>Fall 2010</b>      | <ul style="list-style-type: none"> <li>• Board appoints BRC members/alternates.</li> <li>• County staff prepares for redistricting process (e.g., review requirements, current plan, and data requirements; secure consultant assistance; design website).</li> </ul>   |
| <b>December 2010</b>  | Census Bureau delivers 2010 Census data to President.   |
| <b>January 2011</b>   | <ul style="list-style-type: none"> <li>• The President delivers apportionment count to the U.S. House of Representatives.</li> <li>• Organizational meeting of BRC.</li> <li>• Activate Website.</li> </ul>   |
| <b>March 2011</b>     | <ul style="list-style-type: none"> <li>• Prepare for receipt of Census data (no later than 4/1/11).</li> <li>• Establish hearing/public meeting calendar.</li> <li>• Issue press releases on process.</li> </ul>  |
| <b>April 2011</b>     | <ul style="list-style-type: none"> <li>• Analyze existing election districts using the 2011 redistricting data.</li> <li>• Activate redistricting public worksite.</li> <li>• Begin BRC meetings.</li> </ul>  |
| <b>May 2011</b>       | Regular BRC meetings and outreach meetings in Supervisorial Districts<br>Analyze redistricting plans submitted.   |
| <b>June 2011</b>      | BRC deliberates on recommended redistricting plan(s).   |
| <b>July 2011</b>      | BRC recommends redistricting plan(s) to Board of Supervisors.   |
| <b>August 2011</b>    | Board holds public hearings on redistricting plan.<br>Board adopts Supervisorial Redistricting Plan (statutorily, no later than 10/31/11) and accompanying Ordinance; 4/5 vote required.<br><i>(If Board fails to adopt a Plan by 10/31/11, responsibility for adopting boundaries shifts to a redistricting commission composed of (in LA County) the District Attorney, Assessor and Sheriff, as prescribed by Elections Code 21502.)</i> |
| <b>September 2011</b> | Redistricting Ordinance becomes effective.  |
| <b>December 2011</b>  | Filing to run for County Supervisor in the June 2012 Primary commences in late December.  |

The following addresses governing statutes and related deadlines for completion of congressional, State legislative and municipal/special district redistricting efforts, and related processes. Deadlines related to other jurisdictions are provided for information only and do not directly impact the County's October 31, 2011 deadline.

**U.S. Congressional, State Senate, State Assembly, and Board of Equalization Districts**

CEC 21001: "...maps shall be provided to the Secretary of State for distribution...to the county elections officials for use in their administrative functions involved in the conduct of elections, not later than the first day on which in-lieu-filing-fee petitions may be obtain for the 2002 direct primary election."

**Comments:**

- Note the explicit reference to the 2002 direct primary election in the code. It is unclear how it affects the applicability of the law to the current day, but the implication is that it applies to all future redistricting.
- For the 2012 Statewide Direct Primary, to be held June 5, 2012, the filing of in-lieu signature petitions begins December 26, 2011.
- For the 2012 Presidential Primary, currently scheduled to be held February 7, 2012, there is no filing signatures in-lieu. However, the filing of nomination signature petitions begins October 17, 2011. Since RR/CC will be handling the consolidation for this election, no conflicts with other jurisdiction's elections are anticipated.
- Note that some believe this February election will be moved back with the Statewide Direct Primary in June.

**General Law Cities**

CEC 21600: "...applies only to general law cities electing members of the legislative body by districts or from districts..."

CEC 21602, 1<sup>st</sup> paragraph: "The boundaries of council districts shall be adjusted by the council before the first day of November of the year following the year in which each decennial federal census is taken."

CEC 21602, 2<sup>nd</sup> paragraph: "...if the council fails to adjust the boundaries prior to the 90<sup>th</sup> day before the final date for registration of electors for an election of council members in the city, each council member to be elected at the election and at any succeeding election...shall be elected at large."

**Comments:**

- General Law cities have the same deadlines for completing the redistricting as the supervisorial districts and the State and Federal districts. That is, November 1, 2011. However, the new district boundaries will not be used for an election until the November 2013 municipal election cycle, so their practical deadline is the 90<sup>th</sup> day before their elections. With few exceptions, most municipalities will conduct their elections in March, 2013, so their absolute deadline is November 2012.
- For the most part, supervisorial redistricting shouldn't impact cities' elections. However, some cities conduct elections in spring 2012, notably Long Beach, and their consolidation period could begin as early as October 2011.



### **Chartered Cities**

*CEC 21620: "If the members of the governing body of a chartered city are nominated or elected 'by districts' or 'from districts,' as defined in Section 34871 of the Government Code, upon the initial establishment thereof, the districts shall be as nearly equal in population as may be according to the latest federal decennial census....After the initial establishment of the districts, the districts shall continue to be as nearly equal in population as may be according to the latest federal decennial census..."*

#### **Comments:**

- Although the Code implies that charter cities with council district divisions are required to redistrict, the Code does not appear to prescribe an explicit deadline for redistricting. This issue requires further County Counsel review and guidance. For example, in the absence of an explicit deadline, would they be subject to the 180-day provision for Special Districts or the 88-day provision for Precinct Boundary Changes (see below).

### **Special Districts**

*CEC 22000(d): "No change in division boundaries may be made within 180 days preceding the election of any director."*

#### **Comments:**

- Special districts are those districts that do not fall in the categories above. They include college and school districts, water districts, flood control districts, etc.

### **Uniform District Election Law**

*CEC 10522: Notice of Boundaries: "At least 125 days prior to the day fixed for the general district election, the secretary of a resident voting district shall deliver to the county elections official of each affected county a map showing the boundaries of the district and the boundaries of the divisions of the district, if any, within that county and a statement indicating in which divisions a director is to be elected and whether any elective officer is to be elected at large at the next general district election."*

#### **Comments:**

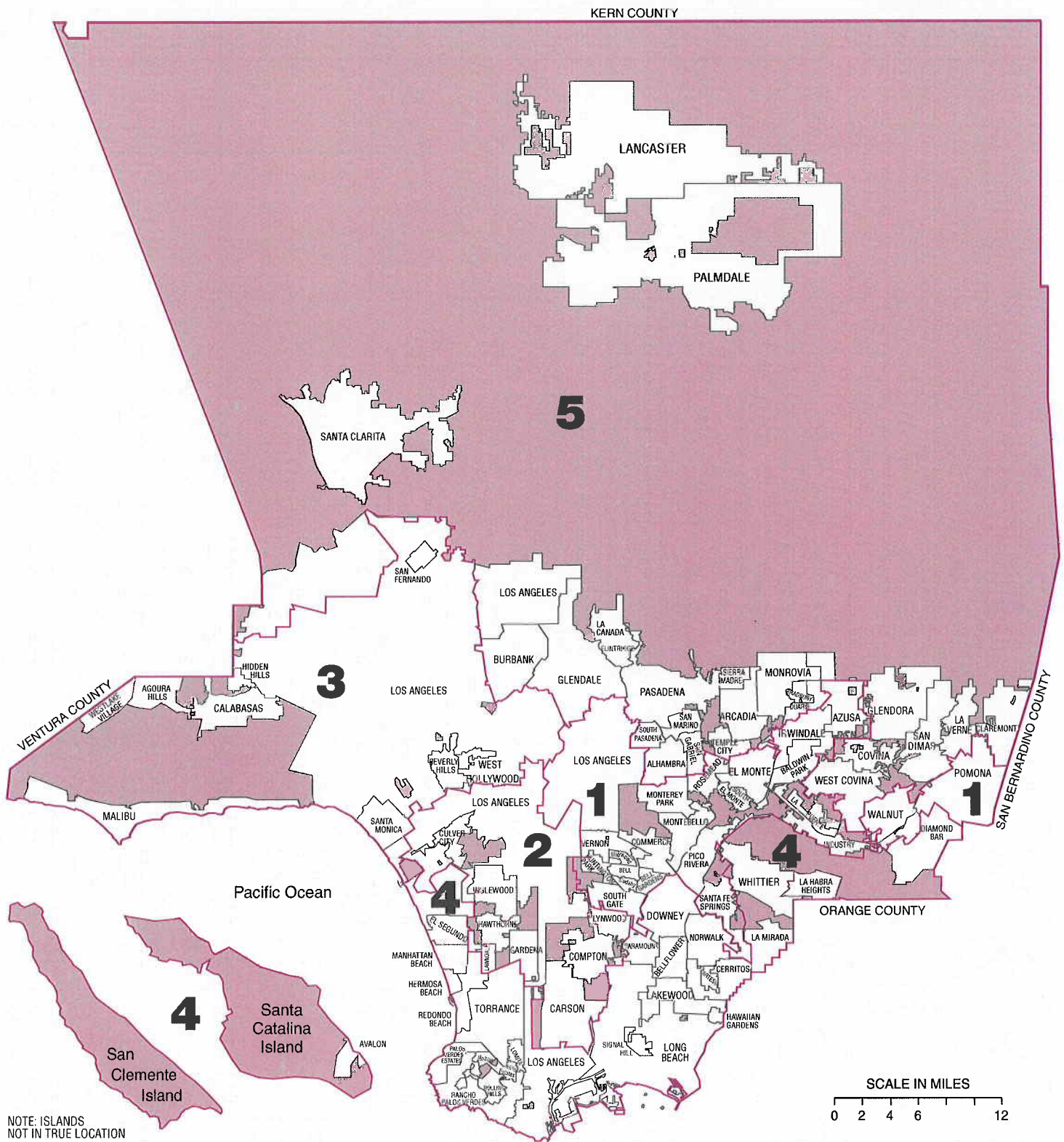
- The deadline in this Code seems to conflict with the one for Special Districts above. The assumption is that the E-180 deadline of CEC 22000 trumps this UDEL code, which in any case, seems to pertain more to the delivery of election information, rather than redistricted boundary lines.

**Precinct Boundary Changes**

*CEC 12262: Jurisdictional Boundary Change Effective Dates: "Jurisdictional boundary changes occurring less than 88 days before an election shall not be effective for purposes of that election. Voters residing within an area affected by a boundary change, occurring within 88 days before an election, shall vote at the ensuing election in all respects as if no boundary change had occurred. However, any district that holds a general district election on the first Tuesday after the first Monday in November of an odd-numbered year shall complete any boundary change not less than 130 days prior to the election in order to comply with Section 10522."*

**Comments:**

- The E-88 date is really the date at which precincts are frozen until certification of the election results. It does not represent the last date at which a district could submit new boundary lines. For example, if charter cities do not have a deadline for redistricting, and yet do not have to comply with the E-180 date for Special Districts or the E-125 date for UDEL elections, the redistricted boundaries would still need to be delivered to RR/CC approximately 30 days ahead of the E-88 freeze date, or roughly E-118.



NOTE: ISLANDS  
NOT IN TRUE LOCATION

REV. 6/06 LC

County of Los Angeles  
Supervisory Districts  
Adopted July, 2001

4,084 SQUARE MILES



WILLIAM T FUJIOKA  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
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November 16, 2010

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

### **PROCESS FOR 2011 DECENNIAL REDISTRICTING OF SUPERVISORIAL DISTRICT BOUNDARIES (ALL DISTRICTS AFFECTED) (3 VOTES)**

#### **SUBJECT**

Establish a Boundary Review Committee and a Public Access Plan in concept in order to proceed with the decennial redistricting of Supervisorial district boundaries. Redistricting of supervisorial district boundaries is required after each Census per the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and the California Elections Code.

#### **IT IS RECOMMENDED THAT YOUR BOARD:**

1. Approve recommended mission, policies, and procedures for the establishment of a ten-member advisory Boundary Review Committee consistent with Elections Code Section 21500, et seq.
2. Instruct each member of the Board of Supervisors to nominate two members and two alternates to the Boundary Review Committee by December 7, 2010, for subsequent approval by your Board.
3. Approve a Public Access Plan, in concept, subject to further refinements by the Chief Executive Office and/or the Boundary Review Committee. Such refinements are to be limited to the intent and spirit of your Board's approved Public Access Plan.

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

*"To Enrich Lives Through Effective And Caring Service"*

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## **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On August 10, 2010, your Board instructed the Executive Officer of the Board, County Counsel, the Registrar-Recorder/County Clerk, the Internal Services Department's Urban Research Division, and the Chief Executive Officer to report back on redistricting information and recommendations on proposed policies, procedures, and timelines for the completion of the 2011 redistricting process. Consistent with the resulting October 4, 2010 report to the Board, "Report on the 2011 Supervisorial Redistricting Process," this letter recommends the actions necessary to proceed with the decennial redistricting of Supervisorial district boundaries. The recommended actions include formation of the Boundary Review Committee (BRC), the nomination of the BRC members by each Supervisor, and approval of the Public Access Plan (PAP).

The main function of the BRC is to study the existing supervisorial district boundary ordinance and determine, based on Census 2010 population data and applicable legal requirements, if and how supervisorial districts should be adjusted to account for population and demographic changes. Similar to the redistricting process conducted in 2001, and as set forth in Attachment I, the BRC is recommended to be comprised of ten voting members and ten alternates (each of whom must be County of Los Angeles residents) with two members and two alternates nominated by each Supervisor, subject to approval by your Board.

The purpose of the PAP is to encourage and facilitate the widest feasible public participation in the redistricting process, and to disseminate pertinent redistricting information. As set forth in Attachment II, the PAP shall cover the following key elements:

- BRC meetings and outreach
- Press Releases/media contacts
- Glossary of terms
- Acquisition of redistricting software
- Dissemination of redistricting information
- Development of a redistricting website
- Facilitating the public's ability to develop plans, including general instructions, provisions of a worksite, and/or support for online development of plans
- Board of Supervisors hearings.

Specific details and certain elements of the PAP are still being developed by the County working group, which consists of representatives of your Board's Executive Office, County Counsel, Internal Services, Registrar-Recorder/County Clerk, Chief Information Office, and the Chief Executive Office. As noted in the October 4, 2010 report to your Board, this working group will be augmented by representatives from each Board office. The content of the PAP may further be refined by the working group and/or subsequently by the BRC. These refinements will be limited to the intent and spirit of the Board's approved PAP.

The PAP includes a timetable for the adoption of a Supervisorial District Boundary Ordinance, which is required to be adopted by your Board not later than October 31, 2011, to be in compliance with Election Code Section 21506. Adoption of this Ordinance by October 31, 2011, allows for the requisite 30-day period for the Ordinance to be effective, and allows adequate time for the public to challenge the Ordinance by referendum.

Consultants will be needed to provide technical redistricting services in the development of an accurate, easily accessible database and provision of analysis based on key demographic variables, recent election results, and voter registration data for incorporated and unincorporated areas in the County. In addition, consultant services will be available to provide redistricting assistance to each member of your Board.

#### **Implementation of Strategic Plan Goals**

Recommended actions to approve a BRC and a PAP in concept are consistent with Goal 1 of the County Strategic Plan, Operational Effectiveness, which seeks to "maximize the effectiveness of processes, structure, and operations to support timely delivery of customer-oriented and efficient public services." These recommended actions seek to encourage and facilitate the widest feasible public participation in the redistricting process, and to ensure County residents with equality of Supervisorial representation.

#### **FISCAL IMPACT/FINANCING**

Funding for redistricting-related costs (BRC, technical, and consulting support) is included in the 2010-11 budget as follows:

| <b>REDISTRICTING COST FOR FISCAL YEAR 2010-11</b>   |                  |
|---|------------------|
| <b>Redistricting Support</b>  | <b>Cost</b>      |
| Internal Services Department support for website, data, and mapping assistance.   | \$223,000        |
| Consultant support for specialized data and analysis.   | \$200,000        |
| Contingency for redistricting related expenses, such as purchasing of redistricting software, conducting outreach, and supporting BRC activities. | \$200,000        |
| Consultant support to the Board of Supervisors.   | \$250,000        |
| Executive Officer of the Board support to the BRC.  | \$60,000         |
| <b>Total</b>  | <b>\$933,000</b> |

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Equal Protection Clause of the Fourteenth Amendment to United States Constitution requires that electoral districts afford their residents equality of representation – the "one person—one vote" principle. This is achieved by providing that each district contains the same number of people. California Elections Code section 21500 also requires that when adjusting supervisorial district boundaries using the Federal decennial Census data, "districts shall be as nearly equal in population as may be." In addition, any redistricting plan must comply with the "one-person one-vote" principle as well as the Federal prohibition against forming districts that dilute the voting strength of cohesive, protected minority groups.

Consultant contracts will be executed under the Chief Executive Officer's delegated authority to obtain specialized administrative services.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Recommended actions do not have an impact on current services or projects.

Respectfully submitted,



WILLIAM T FUJIOKA  
Chief Executive Officer

WTF:BC:MKZ  
FC:JR:ib

Attachments (2)

c: Executive Officer, Board of Supervisors  
County Counsel  
Internal Services Department  
Registrar-Recorder/County Clerk  
Chief Information Office

## **SUPERVISORIAL DISTRICT BOUNDARY REVIEW COMMITTEE MISSION, POLICIES, AND PROCEDURES**

### **Mission**

- *To study the existing supervisorial district boundary ordinance and determine, based on Census 2010 population data and applicable legal requirements, if and how supervisorial districts should be adjusted to account for population and demographic changes;*
- *To convene public hearings to receive, review, and analyze proposed redistricting plans submitted by committee members, the public, and other organizations; and*
- *To recommend for adoption by the Board of Supervisors a decennial redistricting plan which provides fair and effective representation for all the people of the County, enhances the opportunity for all voters to elect candidates of their choice, and which otherwise meets all the requirements of law. A final Supervisorial Redistricting Plan shall be approved to the Board of Supervisors by October 31, 2011 to comply with the Election Code.*

### **Membership**

There shall be ten voting members and ten alternate members of the Supervisorial District Boundary Review Committee. Each member of the Board of Supervisors shall nominate two voting members and two alternate members to the Boundary Review Committee. Members and alternates must be residents of the County of Los Angeles. Alternates shall assume the rights and authorities in the absence of voting members. The entire Board of Supervisors shall appoint the membership of the Boundary Review Committee.

### **Staffing**

The Chief Executive Office and the Executive Office of the Board of Supervisors shall provide staff support for the Boundary Review Committee. The Internal Services Department, Chief Information Office, and Registrar-Recorder/County Clerk shall provide technical support to the Boundary Review Committee to facilitate public participation in the work of the Committee. The County Counsel shall serve as legal advisor to the Boundary Review Committee.

The Chief Executive Officer will engage specialized consultants to provide additional technical analysis and support to ensure that the Boundary Review Committee can accomplish its mission in the required time frame.

Staff shall implement the Public Access Plan approved by the Board to educate the public concerning the work of the Committee and to encourage public participation in its deliberations with particular attention to include outreach to groups affected by proposed changes to the existing boundaries of the Supervisorial Districts.



**Structure of the Boundary Review Committee**

The Boundary Review Committee shall elect a chairperson from among its members and such other officers as are consistent with established rules of order (see below).

**Meetings**

Meetings of the Boundary Review Committee are subject to the Brown Act and shall operate in accordance with the Robert's Rules of Order (newly revised). The Boundary Review Committee shall conduct its first meeting no later than 30 days following the appointment of the Committee. At its first meeting, the Boundary Review Committee shall review and adopt the proposed meeting schedule to implement its mission and shall consider a plan for action concerning the subject under study.

Staff shall assist the Boundary Review Committee to facilitate public participation and public input into the work of the Committee.

**Voting**

All action by the Boundary Review Committee requires majority vote of its total membership.

**COUNTY OF LOS ANGELES - DECENNIAL REDISTRICTING PLAN****PUBLIC ACCESS PLAN IN CONCEPT****Purpose**

The Los Angeles County Supervisorial District Boundary Review Committee (Boundary Review Committee) will recommend to the County Board of Supervisors adoption of a Decennial Redistricting Plan which: provides fair and effective representation for all the people of the County, enhances the opportunity of all voters to elect candidates of their choice, and otherwise meets all the requirements of law.

Pursuant to the California Elections Code 21500, et seq., counties must redistrict after each decennial census, using that census as a basis. Boundaries must be adjusted so that districts are "as nearly equal in population as may be." The County must comply with the requirements of the Federal Voting Rights Act to assure fair and effective representation for racial and language minority groups. The purpose of this Plan is to promote participation by the maximum number of Los Angeles County residents in this important task and to strongly urge such public participation.

The Boundary Review Committee consists of ten members, two nominated by each Supervisor and appointed by the full Board of Supervisors. The Boundary Review Committee will be assisted in its work by County staff and technical consultants with expertise in managing and analyzing databases and proposed plans.

**Public Access - General Elements**

Consistent with the commitment to promote public participation in the redistricting process, this Plan seeks to ensure the widest practicable participation and dissemination of pertinent redistricting. To accomplish this, the Plan will include the following:

- Development of a County redistricting website. The website will be the primary source to disseminate all redistricting information and materials, including demographic and electoral data, County census tracts, County base maps, instructions on developing and submitting redistricting proposals, etc.
- Boundary Review Committee meeting schedule and outreach plan to encourage participation. At least one meeting in each Supervisorial District is proposed. Outreach plan will include press releases and media advertising of all Boundary Review Committee meetings and Public hearings.
- General Instructions for developing/submitting a proposed redistricting plan will be provided. All members of the public are welcome to submit a proposed redistricting Plan for consideration by the Boundary Review Committee. This will include acquiring redistricting software and facilitating the public's ability to develop redistricting plans.

- Plan submission and review process/public hearings and meetings of the Boundary Review Committee. Public deliberative meetings allowing the public to address the Boundary Review Committee and to allow the Committee to publicly discuss issues concerning each redistricting proposal. (Note: Interpretation services for American Sign Language and Spanish Language will be available at meetings/hearings of the Boundary Review Committee upon request.)
- Public access to review plans submitted to the Boundary Review Committee.
- Glossary of redistricting terms.
- Timetable for adoption of Supervisorial district boundary ordinance.

### **Redistricting Website**

The County's Redistricting website will be developed and maintained by Internal Services Department as the primary source of redistricting information and materials. The website will include, but is not limited, the following Information and materials:

- A data base of pertinent information from which plans may be developed. Types of data includes:
  - Total population and voting age population by age, race, and ethnicity, sorted by census tract;
  - Numbers and percentages of registered voters including political affiliation, and numbers and percentages of Hispanic and Asian surnamed registrants sorted by census tract; Voter turnout and results of recent selected elections sorted by census tract.
- List of County census tracts (with partial and split tracts where appropriate) including current supervisorial district assignments, and location of tracts within incorporated cities and unincorporated areas.
- List of cities and unincorporated communities in the County with a list of census tracts included in each.
- Three (3) County base maps showing incorporated cities, unincorporated areas, census tracts, and current supervisorial district boundaries.
- The County Boundary Ordinance.
- Statutory and other legal requirements for County redistricting.
- Required forms for plan submittal.

If necessary, the Chief Executive Office will work with the Auditor-Controller to determine if any recovery cost to provide materials to the public is required.

### **Timetable For Adoption Of Supervisorial District Boundary Ordinance**

The timetable below represents the schedule for adoption of a Supervisorial District Boundary Ordinance. It may be revised by the Boundary Review Committee or the Board of Supervisors in order to meet the statutory deadline for implementing new boundaries by October 31, 2011. This is in compliance with Election Code Section 21506.

Adoption of the Ordinance by October 31, 2011, allows for the requisite 30-day period for the Ordinance to become effective. During this time, the public has the right to challenge the Ordinance by referendum.

| <b>Timeframe</b>      | <b>Action</b>   |
|-----------------------|---|
| <b>November 2010</b>  | Submit proposed redistricting process to Board of Supervisors, including establishment of a Boundary Review Committee (BRC).  |
| <b>Fall 2010</b>      | <ul style="list-style-type: none"> <li>• Board appoints BRC members/alternates.</li> <li>• County staff prepares for redistricting process (e.g., review requirements, current plan, and data requirements; secure consultant assistance; design website).</li> </ul>   |
| <b>December 2010</b>  | Census Bureau delivers 2010 Census data to President.   |
| <b>January 2011</b>   | <ul style="list-style-type: none"> <li>• The President delivers apportionment count to the U.S. House of Representatives.</li> <li>• Organizational meeting of BRC.</li> <li>• Activate Website.</li> </ul>   |
| <b>March 2011</b>     | <ul style="list-style-type: none"> <li>• Prepare for receipt of Census data (no later than 4/1/11).</li> <li>• Establish hearing/public meeting calendar.</li> <li>• Issue press releases on process.</li> </ul>  |
| <b>April 2011</b>     | <ul style="list-style-type: none"> <li>• Analyze existing election districts using the 2011 redistricting data.</li> <li>• Activate redistricting public worksite.</li> <li>• Begin BRC meetings.</li> </ul>  |
| <b>May 2011</b>       | Regular BRC meetings and outreach meetings in Supervisorial Districts<br>Analyze redistricting plans submitted.   |
| <b>June 2011</b>      | BRC deliberates on recommended redistricting plan(s).   |
| <b>July 2011</b>      | BRC recommends redistricting plan(s) to Board of Supervisors.   |
| <b>August 2011</b>    | Board holds public hearings on redistricting plan.<br>Board adopts Supervisorial Redistricting Plan (statutorily, no later than 10/31/11) and accompanying Ordinance; 4/5 vote required.<br><i>(If Board fails to adopt a Plan by 10/31/11, responsibility for adopting boundaries shifts to a redistricting commission composed of (in LA County) the District Attorney, Assessor and Sheriff, as prescribed by Elections Code 21502.)</i> |
| <b>September 2011</b> | Redistricting Ordinance becomes effective.  |
| <b>December 2011</b>  | Filing to run for County Supervisor in the June 2012 Primary commences in late December.  |